

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 524 OF 1964

Y.S. Nanjiah Setty & Ors ..Plaintiffs.
Vs
Jagdishprasad Poddar & Anr ..Defendants.

Mr. Shreeprakash Shivram Poddar, Defendant No.2 is present in-person.

CORAM : B.P. COLABAWALLA, J.
DATED :- 11th March, 2020.

P.C. :-

1. Today this matter has been placed on board for directions because it has been brought to my attention by the Registry that though by virtue of amendment granted by order dated 23rd August, 1971 the heirs of defendant No.1 were brought on record, inadvertently the name of Defendant No.2 was deleted when the amendment was carried out. Defendant No.2 Mr. Shreeprakash Poddar is in fact alive and present before me today. He has also produced his Original Aadhar card as well as PAN card. The copies of the aforesaid documents have also been tendered to the Court and taken on record and marked **"X"** and **"X-1"** respectively. Clearly it appears that defendant No.2's name has been deleted by mistake. In

fact, the name of Defendant No.1 Jagdishprasad Poddar ought to have been deleted as he expired on 30th November, 1970 as evidenced by the death certificate produced by Defendant No.2 today. The copy of the said death Certificate is also taken on record and marked **"X-2"** for identification. In these circumstances, the Registry is directed to delete the name of Defendant No.1 and restore the name of Defendant No.2 in the papers and proceedings of the above Suit and reconstruct the drawn up decree accordingly. After the aforesaid process is done, the Registry shall issue a certified copy of the drawn up decree to Defendant No.2.

(B.P. COLABAWALLA, J.)